

Notice of Allowability

Application No.

10/705,297

Applicant(s)

SILVER ET AL.

Examiner

Art Unit

DANIEL G. MARIAM

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 12/29/05 & a tel. interv. dated 3/14/06.
2. ☒ The allowed claim(s) is/are 122-151 (will be renumbered as 1-30).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/14/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DANIEL MIRIAM
PRIMARY EXAMINER

EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Russel Weinzimmer (Reg. No. 36,717) on March 14, 2006.

The application has been amended as follows:

Amend claim 122 as follows:

At line 9, after the limitation "direction" insert ", wherein the edge detector includes a peak detector configured to use the gradient magnitude and the gradient direction to identify points where the gradient magnitude is a local maximum" - -

Amend page 2 of the amendment to the specification filed on September 22, 2005 as follows:

At line 2 of the second paragraph, after "12/22/2000" insert "(which is now US Pat. No. 6,658,145 issued on December 2, 2003)"

Amend pages 58 and 59 of the specification as follows:

In page 58, lines 13-14, after "Serial No." insert "08/971,241" delete "11/14/97" and replace it with "11/15/97 (which is now US Pat. No. 6,457,032 issued on September 24, 2002)"

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In page 59, line 5, after "Serial No." insert "08/971,241" delete "11/14/97" and replace it with "11/15/97 (which is now US Pat. No. 6,457,032 issued on September 24 , 2002)"

Reasons for Allowance

2. Claims 122-151 are allowed. The claims will be renumbered as 1-30.
3. The following is an examiner's statement of reasons for allowance: the key difference between the instant claimed invention and the closest prior art of Lee and Wilkinson is the fact that Lee and Wilkinson do not either alone or in combination rely upon, among other things, an edge detector for detecting edges in the sub-sampled image to provide edges, each edge having an edge position, a gradient magnitude, and a gradient direction, wherein the edge detector includes a peak detector configured to use the gradient magnitude and the gradient direction to identify points where the gradient magnitude is a local maximum as defined by claim 122; and using estimate of gradient magnitude and gradient direction to identify points where the gradient magnitude is a local maximum, and to provide for each such point a column number, a row number, a gradient magnitude and a gradient direction, as defined by claims 148 and 150. It is for these reasons and in combination with all of the other elements of the claims that claims 122-151 are allowable over the closest prior art of Lee and Wilkinson.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL G MARIAM
Primary Examiner
Art Unit 2625

March 14, 2006